

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

ERIC GARNER,

NOT FOR PUBLICATION

v.

Plaintiff,

ORDER

08-CV-222 (CBA) (LB)

OFFICER WILLIAM OWENS, et al.,

Defendants.

AMON, UNITED STATES DISTRICT JUDGE

This Court has received the well-reasoned Report and Recommendation of the Honorable Lois Bloom, United States Magistrate Judge, dated November 10, 2008, recommending that this action be dismissed based upon plaintiff's failure to update the Court with his current address. As no party has objected, the Court hereby adopts the Report and Recommendation of November 10, 2008 as the opinion of the Court. The Clerk of the Court is directed to enter judgment in accordance with this order and to close the case. In addition, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from a judgment entered herein would not be taken in good faith and that *in forma pauperis* status should be denied for purpose of any appeal.

SO ORDERED.

Dated: Brooklyn, New York  
December 9, 2008

/S/

Carol Bagley/Amon /  
United States District Judge